



California Fair Political Practices Commission

December 20, 1985

Zane Vorhes
Attorney at Law
2631 K Street
Sacramento, CA 95816

Re: Your Request for Advice,
Our File No. A-85-231

Dear Mr. Vorhes:

Thank you for your letter requesting advice on behalf of San Juan Suburban Water District Boardmember Glenn Miller. You have presented the following facts for our consideration.

FACTS

Mr. Glenn Miller is an employee of the Fair Oaks Irrigation District and has been duly elected to the San Juan Suburban Water District Board of Directors, a public agency. San Juan Suburban Water District is a California Community Services District. Fair Oaks Irrigation District is a public agency contained within the boundaries of the San Juan Suburban Water District and purchases its water wholesale from the San Juan Suburban Water District.

QUESTION

Does the Political Reform Act (the "Act")^{1/} permit Mr. Miller to participate in Board actions taken on matters relating to the Fair Oaks Irrigation District?

CONCLUSION

Under the Political Reform Act, Mr. Miller may participate in Board actions taken on matters relating to the Fair Oaks Irrigation District.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise specified.

Zane Zorhes
December 20, 1985
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ANALYSIS

The Political Reform Act prohibits a public official from making, participating in, or using his or her official position to influence a governmental decision in which the official has a financial interest. Section 87100. Section 87103 provides in pertinent part that a public official has a financial interest in a governmental decision when it is reasonably foreseeable that the decision will have a material effect, distinguishable from the effect on the public generally, on:

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

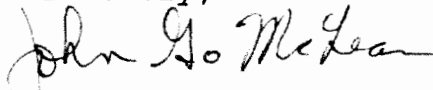
Mr. Miller is an employee of the Fair Oaks Irrigation District and receives a salary from that agency. However, the term "income" does not include salary and reimbursement for expenses or per diem received from a state, local, or federal government agency. Section 82030(b)(2). Therefore, Mr. Miller does not have a financial interest in the Fair Oaks Irrigation District for purposes of the Act.

Accordingly, Mr. Miller is not required by the Act to disqualify himself from decisions which may affect the Fair Oaks Irrigation District.

Please note, however, that our agency is not authorized to render advice on incompatibility of public offices. The Attorney General's office provides advice on possible conflicts arising from two public offices.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,



John G. McLean
Counsel
Legal Division



San Juan Suburban Water District

P.O. BOX 85

ORANGEVALE, CALIFORNIA 95662

(916) 969-2279

9935 AUBURN FOLSOM ROAD, ROSEVILLE, CALIF. 95678

(916) 791-0115

November 6, 1985

DIRECTORS

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President

Kenneth H. Miller
Vice President

Mark E. Verke

Albert C. Ricksecker

Clois W. Snyder, Jr.

Jack B. Hansen
General Manager and Secretary

Zane Vorhes
Attorney

Dr. Frank B. Clendenen
Consulting Engineer

Fair Political Practices Commission
Attn: Jeanette Turvill
P. O. Box 807
Sacramento, California 95804

Dear Jeanette:

A situation exists in the San Juan Suburban Water District resulting from the November 5th election wherein Mr. Glenn Miller, an employee of Fair Oaks Water District, defeated the incumbent and will now serve as a member of the Board of Directors of San Juan Suburban Water District.

Fair Oaks Water District purchases wholesale water from San Juan Suburban Water District and is contained within the boundaries of said San Juan Suburban Water District. San Juan Suburban Water District was formed as the Master District for the purpose of serving the wholesale entities.

We request an opinion from your office as to the perimeters of Mr. Miller's authority in regard to Board actions taken on matters relating to said Fair Oaks Water District.

Your immediate attention will be appreciated inasmuch as Mr. Miller will assume office on November 29, 1985 and will be in a position to act on Board matters after that date.

Thank you. Please call me if you have further questions.

Sincerely,


JACK B. HANSEN
Secretary, Board of Directors

JBH:11

Glenn Miller
Fair Oaks Irrigation District
10317 Fair Oaks Blvd.
Fair Oaks, CA 95628

2631 K STREET
SACRAMENTO, CA 95816
TELEPHONE 444-2349

CALIFORNIA
POLITICAL PRACTICES COMMISSION
428 J Street, Suite 800
P.O. Box 807
Sacramento, California 95804-0807

Re: File No. A-85-231

Dear Mr. Leidigh:

Mr. Glenn Miller is an employee of the Fair Oaks Irrigation District and has been duly elected to the San Juan Suburban Water District Board of Directors. San Juan Suburban Water District is a California Community Services District. Fair Oaks Irrigation District is contained within the boundaries of the San Juan Suburban Water District and purchases its water wholesale from the San Juan Suburban Water District. Mr. Glenn Miller and I would request a formal written opinion from your office as to the perimeters of Mr. Miller's authority in regard to Board actions taken on matters relating to the Fair Oaks Irrigation District. This authority has been specifically given by Mr. Miller to this office pursuant to Government Code Section 83114(b).

If you have any questions, please feel free to give me a call.

Sincerely,

ZANE VORHES, INC.


ZANE VORHES

ZV/lb



California Fair Political Practices Commission

November 14, 1985

Jack B. Hansen, Secretary
Board of Directors
San Juan Suburban Water District
P.O. Box 85
Orangevale, CA 95662

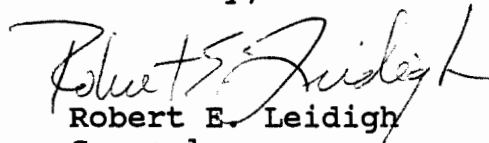
Re: Your Request for Advice
Our File No. A-85-231

Dear Mr. Hansen:

We are in receipt of your letter requesting advice regarding newly-elected board member Glenn Miller. As I explained over the telephone, we cannot provide you with advice at this time. Pursuant to Government Code Section 83114(b) and our regulation 2 Cal. Adm. Code Section 18329 (copy enclosed), we provide advice to the official whose duties or obligations are in question or to his or her authorized representative. If Mr. Miller wishes to seek our advice directly or authorizes you or Mr. Vorhes, the agency's attorney, to request advice on his behalf, we will be happy to respond if the request complies with the regulation.

We look forward to the opportunity to serve you.

Sincerely,


Robert E. Leidigh
Counsel
Legal Division

REL:plh
Enclosures
cc: Zane Vorhes